

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA

In Re: ) CASE NO: 08-01151-dd  
 )  
JOHN G. CALHOUN ) CHAPTER 7  
GLENDY R. CALHOUN )  
Debtors. )  
)

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DEBTORS' MOTION TO ALTER OR AMEND JUDGMENT  
AND TO GRANT NEW TRIAL  
AND REQUEST TO BE HEARD

The debtors, by counsel, hereby move this Court pursuant to FRBP 9023 making applicable FRCP 59, to alter or amend the judgment and to grant a new trial. The debtors request this Court to alter or amend the judgment in light of the amended or additional findings of fact requested by debtors.

The debtors believe that FRCP 59(e) provides a basis for the relief requested. The debtors also believe that newly discovered evidence provides a basis pursuant to FRCP 59(a) to grant a new trial. The newly discovered evidence relates to an increase in debtors' power bill due to a rate increase and an increase in health insurance premiums beginning April 1, 2009. The budget billing agreement for the debtors will increase to \$343.00 per month. The health insurance will increase to \$442.00 per month.

The debtors request to be heard on the issues raised in this and debtors' other motions, which are incorporated by this reference. The amended findings of fact or additional findings of fact requested by debtors may alter the analysis of these issues.

Respectfully submitted.

/s/ Joseph E. Mitchell, III  
Joseph E. Mitchell, III  
District Court ID No. 6115  
Attorney for the Debtors

Joseph E. Mitchell, III, P.C.  
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Augusta, GA 30903  
(706) 826-1808

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED UPON THE FOLLOWING A COPY OF THE WITHIN AND FOREGOING DEBTORS' MOTION TO ALTER OR AMEND JUDGMENT AND REQUEST TO BE HEARD VIA ELECTRONIC TRANSMISSION.

Joseph F. Buzhardt, III, Esquire  
United States Trustee

Robert F. Anderson, Esquire  
Chapter 7 Trustee

Date: 11/20/08

/s/ Joseph E. Mitchell, III  
Joseph E. Mitchell, III  
District Court ID No. 6115  
Attorney for the Debtors

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